

REMARKS**I. Status of Claims**

Applicant thanks the Examiner for participating in the brief phone conference conducted on January 19, 2010. Claims 84-87 have been amended, and claims 1-83 and 88-102 have been withdrawn. After amending the claims as set forth above, claims 1-102 will be pending in this application.

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

II. Drawings

The drawings were objected to because they do not include the label of "Figure 1C", which is mentioned in the description. In response, the figure intended to be Fig. 1C has been amended to include the label --Figure 1C--.

III. Claim Rejections under 35 U.S.C. § 101

The examiner rejects claims 84-87 for allegedly being directed to non-statutory subject matter. Specifically, the Examiner asserts that the term "computer-readable medium" can be interpreted to include carrier waves.

In response, applicant has amended claims 84-87 to recite "a tangible computer-readable medium" and believe the amendments obviate the rejection.

While a "tangible computer-readable medium" is not explicitly written in the specification, Applicant respectfully notes that there is no *verbatim* requirement for claim language. *See Kao Corporation v. Unilever United States Inc.*, 441 F.3d 963, 968 (Fed. Cir. 2006). Instead, the specification only needs to describe the invention in sufficient detail that one skilled in the art can conclude that the inventor invented what is claimed. *Id.* Furthermore, the Court acknowledged that there are situations where a claimed feature is so straightforward that a detailed description of the feature in the specification is unnecessary. *Id.*

Nevertheless, support for the claim limitation "tangible computer-readable medium" can be found at least in paragraphs [0052], [0089] and [0090], which disclose (1) software and a personal computer that are used to analyze proteins and (2) a programmable digital computer used to analyze data generated by desorption and detection of biomarkers. The above-mentioned computers would necessarily include a tangible

computer-readable medium in order to store the software for operating them and carrying out their specific functions.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fee which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extension of time is needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fee to Deposit Account No. 19-0741.

Respectfully submitted,

Date 20 January 2010

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